

Attorney Docket No. P106-US

REMARKS

Claims 1-42 are pending. Claims 10-19, 21, 23-34, and 39-42 are withdrawn from consideration by the examiner. Claims 22 and 38 have been canceled in favor of the prosecution of the remaining pending claims. New claims 43-55 are presented without introducing new subject matter.

Dependent claims 6, 7, 9, 20, 35, and 36 have been amended to correct informalities therein.

With respect to the examiner rejection of independent claims 1 and 35 under §102(e) as being anticipated by Kudrle (US 2002/0146200), the undersigned respectfully submit that claims 1 and 35 as amended are not anticipated or suggested by Kudrle. Specifically, claims 1 and 35 each as amended distinctly recites a combination of features including that the insert substrate has a CTE value that is the same as a CTE value of the semiconductor substrate or between a CTE value of the semiconductor substrate and a CTE value of the package substrate. This feature is nowhere disclosed or suggested by Kudrle. The examiner indicated in the Office Action with reference to FIG. 23C of Kudrle that the MEMS die, the ceramic substrate, and the metal heat sink are analogues to the semiconductor substrate, the insert substrate, and the package substrate, respectively of the invention. This statement, it is respectfully submitted, was made in error because the ceramic substrate of Kudrle is not analogous to the claimed insert substrate as set forth in claims 1 and 35. Moreover, one ordinary skill in the art would not interpret a metal heat sink as a package substrate, especially for MEMS devices. Even if assuming that the MEMS die, the ceramic substrate, and the metal heat sink of the Kudrle reference are analogues to the semiconductor substrate, the insert substrate, and the package substrate, respectively of the claimed invention, the Kudrle reference does not recite the feature that the insert substrate has a CTE value that is the same as a CTE value of the semiconductor substrate or between a CTE value of the semiconductor substrate and a CTE value of the package substrate. Since Kudrle fails in teaching or suggesting all features of each of claims 1 and 35, claims 1 and 35, as well as claims 2-9 and 20 that depend from claim 1, and claims 36-37, are allowable over Kudrle. Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 43 to 55 are presented. Of these new claims, claims 44, 49, and 55 are in independent form. New claim 44 discloses, among others, a package substrate having a cavity in which the MEMS device is disposed, and the insert substrate disposed between the

Attorney Docket No. P106-US

semiconductor substrate and the package substrate. The combination of these features is not disclosed or suggested by Kudrle. Therefore, it is respectfully submitted that, claim 44, as well as claims 45-48 that depend from claim 44, is allowable over Kudrle.

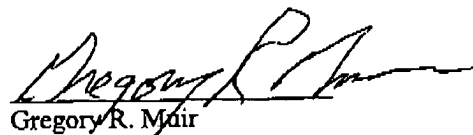
New claim 49 discloses, among others, a ceramic package substrate having a supporting surface; and an inert substrate disposed between the semiconductor substrate and the supporting surface of the package substrate. Kudrle nowhere teaches or suggests such combination. In contrast, Kudrle uses a metal substrate (e.g. the metal heat sink in FIG. 23C) as the package substrate. Because Kudrle fails in teaching or suggesting all recited features of claim 49, claim 49, as well as claims 50-53 that depend from claim 49, is allowable over Kudrle.

New claims 43 and 54 depend from claim 1, they are allowable because base claim 1 allowable.

New independent claim 55 is similar to claim 35, except that the package substrate is attached to the insert substrate prior to the step of attaching the insert substrate to the semiconductor substrate. It is allowable for at least the same reason discussed above with reference to claim 35.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. In the event any fees are required in connection with this paper, please charge our Deposit Account No. 501516.

Respectfully submitted,



Gregory R. Mair
Attorney for Applicant,
Registration No. 35,293
Tel: (408) 737-8100

REFLECTIVITY, INC.
350 Potrero Ave
Sunnyvale, CA 94085
Fax: (408) 737-8153

Date: